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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,457	06/23/2003	Werner Rasshofer	PO-7666/LeA 36,200	9757
157	7590	07/26/2005	EXAMINER	
BAYER MATERIAL SCIENCE LLC 100 BAYER ROAD PITTSBURGH, PA 15205				TENTONI, LEO B
		ART UNIT		PAPER NUMBER
		1732		

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/601,457	RASSHOFER, WERNER
	<b>Examiner</b>	<b>Art Unit</b>
	Leo B. Tentoni	1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 August 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 06232003;10292003.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

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**DETAILED ACTION**

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 1732, Examiner Leo Tentoni.

**Priority**

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a) - (d), which papers have been placed of record in the file.

**Claim Rejections - 35 USC § 102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by either de Simone et al (U.S. Patent 5,610,207 A) or Hattori et al (JP 57023636 A).

de Simone et al (see the entire document, in particular, col. 1, lines 27-40) and Hattori et al (see the entire document, in particular, the English-language abstract) teach a process of making molded parts including the steps of adding and uniformly distributing a liquid binder (containing reactive NCO groups, from a mixture and/or reaction product of polyisocyanates and

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polyols) to polyurethane rigid foam, adding the mixture to a tool (or mold) introducing steam into the tool (or mold), hardening the product and removing the product from the tool (or mold). The density, compressive strength and open cell content are inherent in either de Simone et al or Hattori et al principally because both references teach the use of polyurethane rigid foam.

5. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Van Der Meulen et al (WO 01/00718 A1).

Van Der Meulen et al (see the entire document, in particular, pages 1, 3, 4, 7, 9 and 10) teaches a process of making molded parts including the steps of adding and uniformly distributing a liquid binder (containing reactive NCO groups, from a mixture and/or reaction product of polyisocyanates and polyols) to polyurethane rigid foam, adding the mixture to a tool (or mold) introducing steam into the tool (or mold), hardening the product and removing the product from the tool (or mold). The compressive strength and open cell content are inherent in Van Der Meulen et al principally because Van Der Meulen teaches the use of polyurethane rigid foam.

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**Claim Rejections - 35 USC § 103**

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over either de Simone et al (U.S. Patent 5,610,207 A) or Hattori et al (JP 57023636 A).

de Simone et al (see the entire document, in particular, col. 1, lines 27-40) and Hattori et al (see the entire document, in particular, the English-language abstract) teach a process of making molded parts including the steps of adding and uniformly distributing a liquid binder (containing reactive NCO groups, from a mixture and/or reaction product of polyisocyanates and polyols) to polyurethane rigid foam, adding the mixture to a tool (or mold) introducing steam into the tool (or mold), hardening the product and removing the product from the tool (or mold). The density, compressive strength and open cell content would have been obvious to one of ordinary skill in the art at the time the invention was made in view of either de Simone et

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al or Hattori et al principally because both references teach the use of polyurethane rigid foam.

8. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Der Meulen et al (WO 01/00718 A1).

Van Der Meulen et al (see the entire document, in particular, pages 1, 3, 4, 7, 9 and 10) teaches a process of making molded parts including the steps of adding and uniformly distributing a liquid binder (containing reactive NCO groups, from a mixture and/or reaction product of polyisocyanates and polyols) to polyurethane rigid foam, adding the mixture to a tool (or mold) introducing steam into the tool (or mold), hardening the product and removing the product from the tool (or mold). The compressive strength and open cell content would have been obvious to one of ordinary skill in the art at the time the invention was made in view of Van Der Meulen et al principally because Van Der Meulen teaches the use of polyurethane rigid foam.

#### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent 3,594,335 A (Schultz et al) teaches a process of making molde parts from rigid polyurethane foam, except that the liquid

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binder is not made from a polyol (as set forth in the instant claims).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo B. Tentoni whose telephone number is (571) 272-1209. The examiner can normally be reached on Monday - Friday (6:30 A.M. - 3:00 P.M.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael P. Colaianni can be reached on (571) 272-1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Leo B. Tentoni*

Leo B. Tentoni  
Primary Examiner

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